

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, FEBRUARY 9, 2015

1. Call to Order

COUNCILMAN FOLTZ: I'd like to call to order the Council Meeting Monday, February 9, 2015 time is approximately 7:10pm.

2. Opening Prayer – Councilman Cerreta.

3. Pledge of Allegiance

4. Roll Call

COUNCILMAN FOLTZ: Mary Beth, will you please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Kiesling and Werren. Thus having 6 in attendance.

COUNCILMAN FOLTZ: Do we have a motion to excuse Member Jeff Peters?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to excuse Council President Peters.

5. Consideration

COUNCILMAN FOLTZ: Okay, may I have a motion and a second to approve as presented:

Mayor's Court Receipts for January 2015
Committee of the Whole Meeting Minutes: February 2, 2015
Council Meeting Minutes: January 26, 2015
Special Council Meeting Minutes: March 4, 2014

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 5 yes, 1 abstain to approve the above reports. Foltz abstained.

COUNCILMAN FOLTZ: Okay, thank you. We had a presentation but when did we want to do that Member Cerreta? After public speaks, okay. We'll recognize visitors who want to address council in the audience right now please step forward and give your name and address when instructed.

6. Recognition of Visitors

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. I want to speak on a couple issues briefly here. In regards to the vacation on of an alley it's your Ordinance No. 3 – 2015, I'd like to point out to you Mr. Fonte and the rest of council Mr. LaBarba who I'm not sure how long he's lived at his residents but he's been guaranteed access to his garage ever since he's lived there. Every homeowner prior to him has a guaranteed access to their garage because there was an alley. The city maintained that and was promised him access to his garage via this alley. Under the current plan to vacate this alley the city's partnering into this arrangement and going about it all wrong. I am not against the alley vacation in fact back when I was council I was spearheading the vacation of two-thirds of this alley. The east end Mr. and Mrs. Covelt needed that alley vacated for their future owners of their property because the alley was literally their driveway. And there was no access to the alley anyways because there was a big old hill on the east end. At the time I was trying to push that through I also wanted to vacate a good part of the remaining part of that alley up to where you're vacating now. But Mr. LaBarba is it's kind of ironic was not acquainted with what was going on and what we were proposing and he objected. We weren't intending to vacate his portion of the alley at that time. If you vacate the alley in the manner you're going about doing it he will not be guaranteed access to his garage. He will be dependent on the goodwill of his neighbor and if that neighbor were to change maybe that goodwill would go away. I'm asking this council to vacate the entire alley to Mr. LaBarba; now if he wants to be a good neighbor and allow his neighbor to the north the use of that alley that's between him and his neighbor. But if at any time in the future one or the other they have a falling out or there's a change in people you're going to have a mess there. Often times items are pushed by the administration and I don't really see any representation. Nobody on this council looks at it from the public's point of view from your constituent's point of view. Now I know and I've heard on other situations well if both parties why do we care? Well if you had a drug dealer and a purchaser of drugs they obviously agree on their transaction but would you still sanction that? Obviously not, that's going to little bit extremes. But I would ask you to table this and vacate the entire alley to Mr. LaBarba and then let him work out whatever easement or access he wants to provide. And then as I mentioned the east

end of this alley is already vacated. Now you're vacating the west end what do you do about the other 370 feet of alley? I mean it makes commonsense if you're going to dead end both ends why don't you vacate the rest of the alley. So this is not proceeding according to Hoyle. And you're harming Mr. LaBarba whether he understands it or not obviously 12 years ago he didn't understand it because the alley vacation we were proposing then didn't even affect him. But he, he didn't understand and I don't think he understands what he's getting himself into now. It's up to the city to protect this man from himself as far as I'm concerned. Vacate the alley to Mr. LaBarba and let him and Mr. DiPietro make whatever arrangements they want but both property owners especially Mr. LaBarba and all future owners of that property they need to be protected. And guaranteed if they're going to have access to their full property. So that's my first thing. Secondly, I've discovered another council meeting actually a special council meeting of last year July 7, 2014 and there are no minutes that have been transcribed, approved or posted. So I've asked the clerk for the audio of the meeting and of the minutes if they were ever transcribed. I don't know if this was ever transcribed to refresh anybody's memory this is when you were celebrating Mr. Snyder's departure. You didn't vote on any legislation but you did conduct business because you approved numerous minutes, executive session reports, committee minutes. So I don't know if I'm going to get any flak from our law director here but it was designated as a special council meeting, you did conduct public business it needs to be transcribed per our charter. So I'll leave that with you.

COUNCILMAN FOLTZ: July 7th, thank you, Mr. Osborne, we'll look into that for you.

CHUCK OSBORNE: Again, please do what's right on this alley vacation we need to be consistent and fair to the citizens. So please do not create a can of worms in the future for these the property owners abutting this alley. Thank you.

COUNCILMAN FOLTZ: Okay, appreciate your comments. Anybody else that would like to come up address council this evening?

ROD COVEY: 35 Auburn in North Canton. I attended mayor's court 32 days ago for the first time since I've lived here in 32 years and it was very enlightening. I was a little disappointed though that the person who was supposed to be here and this is why I came to the mayor's court didn't show up and I wasn't notified that he wouldn't be here I wouldn't been here. But it has to do of course with that gentleman at least has to do with what's I'm just calling a hole. That's the big hole down there on the corner of Northfield and we've talked about it many times. But just to fill you in real fast please before I sit down. It's a huge football sized field if you haven't seen or haven't been there. It's about oh I just brought this along just to its hard to believe unless you live there and look at it all the time but it's about that high oh I'm sorry this high right here okay, its twice the length and twice the width. These cement blocks that have been there for six years are starting to fall it's just a mess. And there 14 homes valued at \$4 million dollars directly looking down on that hole. So these people have suffered grievance they stood on their porch having coffee in the morning reading the paper and they're looking right down in that hole. So property around it has suffered significantly. And I have all the numbers and Dominic I'm sure you know what's been going on there at Auburn Knolls unfortunately. So for six years the neighbors fought the proposed four buildings in the first place and several council members then strongly agreed and Marcia you were one of our biggest proponent at the Planning Committee in those days 2002, 2003, 2004. 2005, 2006 you complained to these guys sitting over here planners and they eventually they all said it's the building are ridiculous they're too big they shouldn't be there. But long story short after 8 years approved them, the buildings went up and they're still pretty ugly. So Planning okayed them two were built, two put on hold for five years, the builder was given a year to fill the excavation or build on it. Neighbors complained for several city officials to several city officials three or four years ago. Mr. Bowles, bless you Eric, vigorously pursued this and finally sited the builder under 1173.04 and that was in March two years. Then to conclude more delays the builder sent a letter to Mr. Bowles saying he'll take care of it on September 15; nothing happened. No action. Law director last December sited the builder to mayor's court January 7 so that's why I came to mayor's court to hear Mr. Zablo's see what's going on. So I attended representing complainants builder never showed as I say I was not notified, no explanation. I also made some personal phone calls to our ward 3 council person to have a meeting regarding the hole and at the same time maybe talk about the Hoover parking lot which is still under contention I understand. So I don't know if there's an answer does anybody know where we stand on this 32 days later?

COUNCILMAN FOLTZ: Well why don't you finish your comments Mr. Covey then we'll discuss and try to give you an answer.

ROD COVEY: Oh but I can't I came here to...

COUNCILMAN FOLTZ: We're not going to debate any of the issues here tonight.

ROD COVEY: It's not an issue?

COUNCILMAN FOLTZ: Yes, it is an issue you have public speaks you're more than happy to finish your comments and then we'll address your concerns.

ROD COVEY: But what do I tell these 200 people down there tomorrow?

COUNCILMAN FOLTZ: Well, hopefully we'll have an answer for you from the administration here shortly.

ROD COVEY: Oh may I ask how much is a very short time?

COUNCILMAN FOLTZ: When you sit down when you finish your comments.

ROD COVEY: Okay, well I guess I wasted my time but...

COUNCILMAN FOLTZ: You didn't waste your time, sir.

ROD COVEY: Yes, I did.

COUNCILMAN FOLTZ: Okay, thank you. Administration do you want to address this?

DIRECTOR GRIMES: Well it's in the court; it's in the court system.

COUNCILMAN FOLTZ: It's in the court system.

LAW DIRECTOR FOX: I can give you some insight into this. I guess what's not clear is Mr. Covey continues to refer to a hole. It's not a hole, a hole would you perhaps when they began they may have dug a hole but a builder pulled a permit to begin construction of a condominium. And they had put up the retaining wall and hadn't gone farther than that. And that has been there for quite a period of time and recently was brought to my attention that they wish to move forward and bring a complaint to mayor's court. So that's what we did. We filed a complaint in mayor's court the builder appeared with legal counsel and initially asked to continue the hearing that happened to be the evening that Mr. Covey appeared. They had already continued the hearing I was not on notice that I needed to notify Mr. Covey that the hearing had been continued. After that our building superintendent met with the builder and their attorney on a number of occasions and entered into an agreement sufficient to what the permitting department wish to have happened with that property. The case has been continued because part of that agreement is some things need to be done. Right now all that needs to be done to finish that permit is to have those walls certified. We believe that it's not going to reach that that, that level we had our own inspector go out and take a look at it but that's a requirement to have that either up to standard or take it down. We had to move that out until the late spring because certainly they can't do construction on that right now. We thought that it was important not to dismiss the complaint but for that agreement but then simply continue it because if indeed they don't comply with the requirements in that letter then we you know certainly have the authority to move forward. It's a criminal complaint it's a misdemeanor 1 I believe and they take that quite seriously. So I don't want anyone to believe that nothing has been done. The builder has been charged with a crime and but for the agreement that they entered into with our permitting department if they don't comply then we'll move forward with prosecuting the misdemeanor.

COUNCILMAN FOLTZ: Okay, Dom?

COUNCILMAN FONTE: Is the foundation caving in already?

LAW DIRECTOR FOX: The there's a retaining wall and I can show you some pictures Eric has some pictures. But over time because they simply put up the retaining wall and they didn't move forward because it hasn't progressed on the construction we see the retaining walls bow in some areas and are creaked. They believe they'll be able to repair them without having to take them down and put them back up again that's still to be determined. And certainly afterwards Eric can provide you a copy of the agreement you can see the paperwork for mayor's court.

COUNCILMAN FOLTZ: Okay, thank you the update. Marcia?

COUNCILWOMAN KIESLING: When do you think the hearing would be continued? You said spring?

LAW DIRECTOR FOX: Right I believe it's in; it's in June that they have a deadline. They certainly asked if we comply with this earlier than this and we demonstrate that we've complied with if you dismiss the complaint. Yes, that's what we're asking him to do is comply with what the building department believes is the requirement from the basis of the permit.

COUNCILWOMAN KIESLING: And the basis of the permit expired many years ago. So I'm confused as to why we're even going even giving him this option.

LAW DIRECTOR FOX: Well I believe the only requirement that needed to be done is that foundation wall to be inspected. After that there's no requirement to proceed. Generally you would think a builder would simply because they wouldn't invest the money to put up a foundation and then stop. But that's exactly what happened here. But there's nothing that I'm aware of in our ordinances that provides the compelling reason to force them to continue on that construction. If that retaining wall is complete I don't believe that there's something that compels them to move further. I believe there certainly should be because then you can view it as a nuisance. If someone started construction next door to your home and stopped partially I think that you would be angry and you view it as a nuisance. So if it's that point and it doesn't proceed certainly I believe that you know the city would have to look at a method to encourage either finish the construction or bring it back to a natural state.

COUNCILMAN GRIFFITH: There's plenty of good case law out there suggesting that an incomplete structure is a nuisance so I think that would be a very valid action against...

COUNCILMAN FONTE: And possibly a safety issue if the foundation's crumbling it could a liability.

COUNCILMAN FOLTZ: Well let's hope so I appreciate Mr. Covey's concerns and the neighborhood and that's not to discourage anyone to come up here and being involved in public speaks. We already had your time Mr. Covey, we're here after the meeting this is the way I'm going to run it. Come and ask questions afterwards I appreciate that. Okay, anybody else like to address council?

MELANIE J ROLL: 308 Portage, this will be brief. Since the sound system is still not functioning properly I would ask all of you if you could speak as clear and loud as you can so those of us in the audience can hear. Some of you do some of you don't it's a public meeting and we would like to hear what you have to say. Thank you.

COUNCILMAN FOLTZ: Thank you, appreciate that. This is a new mic that was installed Mary Beth, what just this last week? (Yes) And we're thinking of installing one on her desk also so hopefully you can hear me. Sometimes I do enunciate without the mic. But we need to correct this problem as everyone said that's a very good suggestion so everyone please speak up so we can hear what's going on here and also from the audience. So... Anybody else want to address council? Okay, seeing none I guess we're going to have a presentation by...

COUNCILMAN GRIFFITH: I make a motion to amend the agenda to include a presentation relative to the pool.

COUNCILMAN CERRETA: I second it.

Roll call vote of 6 yes to amend the agenda to include a presentation regarding the pool.

COUNCILMAN FOLTZ: Thank you, and just for the record the rec. board had a scheduled meeting at 4:00pm Member Cerreta informed me he wanted to give this presentation tonight with Member Griffith who worked hard on it. It was my intention to have the meeting and discuss it. I was gone Monday, Tuesday and Wednesday of last week so I wasn't sure the meeting happened with the administration. So I'm glad I see a few members here and hopefully we'll have other discussions on it at our next regularly scheduled rec. board meeting. So thanks for coming out. Thank you.

COUNCILMAN CERRETA: Thanks for giving us the time to present this. And as soon as we get it up on the screen here each member of the council has this presentation in front of them along with the administration. And Mary Beth here will be the clicker. This presentation has to do with the pool regarding the pool and if you'll see and you can't see it on the screen but the past year we've been talking about our pool and how we can put the infrastructure and for the future. And we've been talking about the finances around replacing the liner, the filtration system and the concrete. So why do we want to do this? So our wonderful community can enjoy the summer privilege of what many communities do not have. A place to enjoy the sun and cool off and a place to swim and be active and a place to enjoy good outdoor community fellowships with friends and family. About three, four months ago and this is exactly the things should work that we feel. Three, four months ago Ben Wheeler, executive director of wonderful North Canton YMCA who's here tonight made contact with us involving some intriguing synergies between our Dogwood City Pool and the YMCA. As we discussed and continued you can see even more synergies. We have a pool, they have a pool. We buy chemicals, they buy chemicals. We clean and care for our pool; they clean and care for their pool. We sell passes, they sell passes. We hire and pay lifeguards, they hire and pay lifeguards. We have a pool, they would like another pool. Can we utilize our Dogwood pool better by having a management agreement with the North Canton YMCA? That is what came about. So we met with Ben at the YMCA. The YMCA made contact with several YMCA/City pool agreements and had survey questions. They were different YMCA's around the country a lot of them are a little different from us we're kind of a unique community along with you know how the YMCA is an unbelievable YMCA. But the same questions were asked and if this has been done in the past. So we do have some information from this survey. And they did that on their own and they brought it to us. And then the meeting centered around the costs and responsibilities of a management agreement. So we started to look to at the different kind of responsibilities if this did go forward. After discussions with both sides the YMCA submitted to Dan and I a draft memorandum of a Management Agreement and it's in front of you between the YMCA and the City of North Canton for the Dogwood pool. We're going to go through that later. Okay, after our own review we brought in Councilman Dominic Fonte in because of his experience with agreements and his community involvement. And you know he asking a lot of questions as he does and we got some good insight from him. Mayor Held and I discussed this along the way so he was kept in the loop to what was happening and could give his insight and guidance. We met with the law director; we met with the finance director and the administrator here recently. And then we brought in Jim Davis, who's here tonight also for any questions. He's our service director and he has been one of the main people who really takes care of the pool on an everyday basis. So he gave us a lot of good insight into what he does to get the pool ready each day and how much this could really mix in with you know the YMCA. So, so you know he again said we wanted to find out can work. And it was a good a discussion there. So the discussions included a variety of ways to expand the use of the pool during and beyond the season. Here's some of the examples for example the YMCA happened to come in with this agreement it would be things like early morning lap swimming at 6:00am. Something I think after warm weather the summer it would be a wonderful thing to do. Where right now that pool just sits there, expand swimming lessons, special evening special events, concerts and social gatherings. Some really cool things for the community in itself to use that pool where in many cases it just sits there. And the possibility of expanding the pool season; which is kind of a major look ahead. Which I like to do. So here's another opportunity you know in my opinion if you're going to do something do it big. There's always possibilities. There are different pools that put domes around it and it can be used year-round. This gives the YMCA another opportunity to have their pool and it gives us an opportunity to utilize our pool even more. So again this is out there but we should be looking out there because that's where we're going. So other considerations that I want you to think about when we do this here because this is a community that wants nothing but the best. So in the near future we will need to update and expansion our bathroom/change rooms and concession stands. We've talked about that. That cost is beyond what we want to spend right now anyways. So by having this agreement with the YMCA we have twice as much community support for donors to come forward to help this kind of thing happen. So that's just another thing I want you to consider and look at that. So in every discussion with every person and in every department it was positive and it was looked at as a win, win, win. When I say that I mean as it says right there community members who want the privilege of a city pool, for the city finances and operations of our city. Dan will go through some of that. The community YMCA would like to use their efficient management and member resources in managing and expanding the use of our pool. So it's a good win, win, win. So we want to present to you tonight Dan's going to go through this with the help of Ben and then also Jim Davis is going to answer any questions that you might have for your consideration and discussion. And our goal here is to get this thing on a trial run this year. That's kind of how we're headed towards this. And I believe we're ready for that too. So Dan?

COUNCILMAN GRIFFITH: Mark that was a fantastic intro it was a great overview of what was going on there. You can see how

Mark's enthusiasm makes this better too. In everything we that do the question often becomes what is the way in which government can be most effective. And I know some people roll their eyes when we use the word government and effective in the same sentence. But the reality is there are ways in which we can be more effective. And creating efficiencies and collaborations like what we're describing here tonight really means that we can create situations that are win, win meaning we can provide better services to the taxpayers of the community for less money to those folks in the fact provide even more services which is what we're talking about right now. And that's our goal. We wanted to make sure that as we began these conversations that taxpayers themselves were going to have less of a burden not more burden. That the services were going to be greater and that we were creating something that was going to be beneficial to everybody. I think we can accomplish that absolutely. So let's talk a little bit about that. This is the actual agreement itself. Alright, so what does this actually mean? We're going to go through it. So how do we divide up the responsibility what's the city going to do and what's the Y going to do? And we'll talk about some of the specifics here. So basically the Y is going to run the pool for us. We're not deeding the property; we're not transferring ownership in any form. We're saying that we're going to continue ownership of the pool and it will be the city's pool and there's no change or anticipation that would change at all. But we think that the job that Jim does running it could be even better if the Y because of the work that they do, the good work that they do in that respect in taking over and efficiencies are created there. So what would the Y do? Well the Y would be in charge of all the day-to-day pool operations and events. They would be in charge of the chemicals as we'll talk about and they would be in charge of hire the lifeguards and be in charge of any of the other kind of issues that come up with concession stands. All of those things would be the Y's responsibility and we would take care of some of the logistical pieces that we do right now for example we mow the lawn and that's easy for us to do. We do take out the trash and that's easy for us to do too. And Jim has agreed to he's willing to do which is very generous of him. So and then all of the major repairs that we would we'll talk about later on those are still going to be the things that we do there. So again not more responsibility for the taxpayers it should be less of a responsibility which is beneficial. And the YMCA is going to use their system the HR system to hire the folks that are there. Again they hire lifeguards all year round all the time. They do concession stand work all year round all the time and they do it well. And in fact we lose that which is a good thing for us. Jim Davis spends a ton of time in the pool during the summer and Jim could be do a lot of other things I think he's going to be repairing potholes all summer long at least that's our hope. But that's time that he has an efficiency that's created because he's not going to be in the pool planting flowers like he and his wife generally do together. So that's an efficiency that's created. Karen and our new payroll clerk spend a lot of time hiring people getting them in place working with the lifeguards to make sure that their certified and doing all that work relative to payroll, all of those people are paid as city employees so as a result they're paid through PERS. We don't need to duplicate those efforts that the Y has a wonderful HR staff in place they're able to do that too. That's an efficiency that's created and we create something that's more effective. So that's going to be what, what takes on there. Where we didn't talk about in the plan that if somebody has been a lifeguard at the pool we're going to give them preference. We're not trying to kick out the kids who have done it historically we'll give them preference if they've done a nice job. So that was one of the things we wanted to make sure that was in place. The Y purchases chemicals as Mark pointed out. We're going to make sure that they continue to do that we actually pay more for our chemicals than they do so there's an efficiency that's created there. Because they do an even better job. Jim is excited not to worry about as much. And their people do a really fantastic job of that too. They're going to continue to do the pool chemical monitoring and that's going to be something that they take care of again probably a benefit to our community because they're doing that even better than our people do because of the experience that there. If there's a problem or issue with negligence by the YMCA staff that's a liability that's there. Liability is one of the questions that a lot of people asked when we talked about doing this. Is the city going to be more liable or less liable? The reality is we think that there will be actually less liability. Right now if anything happens at the pool we are liable, period, end of sentence because we're the operators. If something happens there when the YMCA is responsible God forbid we hope it won't but there's almost dual liability there. We're saying hey there's primarily a liability for the Y and liability for us. We're not going to reduce our insurance coverage, we're not going to change anything there so if anybody's hurt or harmed again they're not going to suffer any more than they would under the old arrangement in fact we'll have more coverage. And we hope that with the Y's good work that they do that it actually will be less of a risk of having something happen there. And we talked about as far as the liability insurance and policies we're going to keep those all in place too. In the future there is a potential that if they're having some coverage and the liabilities are in place we might actually be able to reduce some our liability coverage we're not going to do that this year for liability purposes because again we want to make sure that everything is in place. But in the future that's a potential savings to the taxpayers which goes to the efficiency of the project. And again we'll make sure that the pool is ready to swim on May 23rd and we hope it will be and will be we were guaranteeing in this agreement that the pool hours will be no less than they were before. Again, Ben has talked a lot about expanding this. But we're going to make sure again that the taxpayers will be able to use the pool any less than they were before and that's an important guarantee. And then we have the guarantee of how long during the season the pool is going to be open too. We obviously need to have some discussion relative to future major capital plans relative to that which we talked about before but we guarantee those dates are in there too. YMCA is going to use their safety protocols which are obviously as good or better than ours. And they got the discretion it will be the Y's determination as to inclement weather closes the pool no problem there. We're not the ones but they'll be ones who make that decision. And the admission fees this is a big one too. We wanted to make sure that if the taxpayers are paying for the pool which they are we don't want to make things more expensive for people to participate. So for this coming year and again that the terms of the contract the admission rates will be exactly the same as they were last year. There actually is then a benefit if you're also a Y member so if I'm a city resident which I am then my city rate is a \$165 I think we said right for a family membership? \$160, \$160 so in addition to that anyone is going to get a benefit beyond that by 25% a discount of 25% if they are also a Y member. So again every single taxpayer is going to pay no more than they did before. So the taxpayers are no way harmed in fact there will be a number of people in our community who pay less to use the pool. Again a big draw and something that benefits the members of the city and everybody. That 25% discount would be for any user at any time based on their base rate. We'll take questions after a little bit. Then there's responsibly for capital expenditures if there's a minor repair that needs to happen anything under \$500 the Y has agreed to assume. If it's something that's a major issue above \$500 we will assume that liability if there's a major pump that goes out or something like that that's our responsibility. So again no more responsibility on the taxpayers actually less

responsibility because we had to previously paid for all of those repairs. And we don't. Now we're giving up some of the obligation relative to cost because of the HR that we don't have to worry about with some of our service people. The Y wants a little bit of a guarantee that expense would be covered for them. So an administrative fee of 7% of the revenue and that would be no more than \$16,000 would be included in the pool financials. So they'll be not guaranteed but pretty much there will be a payment that's made that equals to that amount no matter what the revenues is one way or the other. And then there will be a rent that's paid by there's a rent that's paid by the pool to us of half of the rest of the revenue. So basically we'll split the revenue as it is based on it's a rent paid by them. But we will continue to make money and we make money from the Y's perspective as well. So right now the way it works is we cross our fingers, we get as many people out there, we sell as many membership as we can, we take that money in and then we pay our expenses and we hope we've made money. In the last two years we have not. Over the last since 1996 we've roughly broke even but that doesn't include the current capital needs of almost \$800,000 for future capital expenditures. If we get to a position as Mark was talking about before where into the future we could collaborate longer term we could see a situation where we would be saying the Y would pay us this amount over time where we're comfortable with what's there. We would be able to take that money and put it directly into the future expenses that we'll bear. So we would be able to do something that the city has never been able to do before and that is pre-fund future capital expenses. So instead of paying for these repairs after they come due we'd start seeing before they come due and the result of that when we get the \$800,000 bill 10, 12 15 years from now we would have the money in our savings account already to pay for that so there's wouldn't be issue relative to questions that have come up recently as to whether or not this issue should we have a pool at all we would secure that for the future and that's with the guarantee of us going on here. So none of that of course takes into the account the fact like Mark said before that we would be able to take some of those capital expenditures and improvements to changing rooms or even other bigger expenditures that could happen to the pool that the Y would be able to fundraise for much effective than the city because they're a qualified 501C3. And as we said the bottom line is as we talked about before we're going to be able to collaborate we're not going to be giving up revenue because at the end of day there hopefully will be bigger pie for each of us to split. The Y's going to have a huge benefit in trying to gather more people that will come to the pool it's going to be much more user-friendly because it will be easier to buy passes, it will be easier to get in and so we'll generate more revenue as a result of that too. It's a win, win both for the city, for the taxpayers and also for one of the greatest resources we have in our community the YMCA. So that's the financial element of it too. I hope I spoke loudly for everybody to hear and...

COUNCILMAN CERRETA: Couple other things about passes you know we sell passes up here and our own people are in charge of the passes. It takes time out of their day. The Y will assume that people will buy passes over at the YMCA. Along with that they will sell season passes at the door; we don't sell season passes at the door if you don't come up and buy it you just pay a daily rates and so on. And I've always said that sometimes that doesn't really help the season passes because if the weather goes bad a couple of days people don't want to come up here because it's a little intimidating and they don't like to come into this place. And then it gets to be end of June and they say to heck I'm not going to buy a season pass.

COUNCILWOMAN KIESLING: Plus our hours are very inconvenient if you work.

COUNCILMAN CERRETA: Right, so if you're up there and they will be selling season passes year-round at the gate which is just going to sell more season passes if you're in any kind of marketing you'll understand if it's there they will buy it. Because there is a discount to it. So these are just the little synergies that work in our favor and for everyone's favor. Again, mostly it's the people of our community who's going to get a wonderful pool, it's going to be run in a very efficient manner and it's going to save us money so we can put into other things like potholes or whatever. Or we put it aside for future people that want to go swimming someday. So yes and we'll answer questions and I'd like Ben to come up as we answer questions and Jim too Jim do you want come up. We want to answer a lot of questions. So please bring it out. Yes?

COUNCILWOMAN WERREN: We've talked about fees for a couple of years now and I thought we were going to raise them this year I mean because we had kind of look at the region and said boy this is a great deal for city residents. But without making any money the last couple of years without having money to put back in reinvestments and so on is there a reason why you said let's just keep it status this year and...

COUNCILMAN GRIFFITH: We won't have the issue is how much gross revenue can we raise, right? I mean how many butts can we can put in the seats and we were thinking before boy we're not sure how many more people can get to sign up for memberships. The reality is with more of a collaboration, more services that are offered with better hours we think that there are many more people are going to be willing to raise their hands and say hey we'll put our hands together and say we're going to come and pay our money for this. So we think that we don't need that additional piece in fact the discounts will be more of a carrot for people to say yeah I'll do this this makes sense. It's not as much of a financial burden. So the goal is to make up in volume for what we potentially use in what would be a raise in prices. And I mean I don't we had consensus on whether or not to raise prices too. So that...

COUNCILMAN CERRETA: And we're still in there it says we're going to look at all of that. There's no you know I think the first thing we said when we met with Ben the first thing and it was deal breaker if they wouldn't go is that people who live within the city limits will always get a discount. Okay, they pay for the pool they've always paid for the pool and they will pay for the future along with some other things. So that and that was all agreed and that's understandable with that. And even in this year we're looking at the rates we don't want this to look like oh the Y's taking it over now we're going to raise prices. Let's see this is a year trial let's take a look at this thing and say is this working? Because if it's not next year maybe we do have to raise prices next year. And then you know we'll get together and talk about that. So I think that was the idea of the whole event. Any comments about that? Please...

BEN WHEELER: I would just to go along with that our goal of course is to minimize the impact on the community (some comments were inaudible) so hopefully from the community side they'll just see you know more opportunity and more

activities going on.

COUNCILMAN FONTE: One of the things I didn't hear you say but we've talked about was for example you know we want to keep it calm you know so that we get the people excited and then gradually adjust it based on how many members and what it looks like. But also if we lose money for like because we obviously a big \$800,000 expense to pay so we're you know going out of this with a broken leg you know so we're going to lose a little bit money. If we lose some money do we share the loss with you guys?

COUNCILMAN CERRETA: We are looking at that too. That is that will be a discussion that we're going to have but that is in the proposal also. We're really talking strongly about that. Because this is the first year we're going to look at that in the first year and if it comes out we surely don't want them to lose money on this too. You know we want this to be very successful. So we will look at that. But we don't anticipate that in any way I mean very similar to what we've made in the past I mean the weather could be bad and we could all but with the things that are in place right now and what they're going to do and what we do get the pool ready. And that's about it. And then we empty you know maybe the garbage on the outside and that is basically we give it to them then they take over. So all those costs of lifeguards and concession stand people and the chemicals and all that we don't have that cost anymore.

COUNCILMAN GRIFFITH: We bear a risk of loss every year because we have a pool. I mean that's a simple fact. So the question then becomes for us to be most effective what is the way in which we can minimize that risk of loss as much as possible and I think this proposal minimizes that risk as much as possible. Because number one it minimizes what our costs are particularly the fluctuating costs and number two it minimizes the risk that we have of loss itself. So you know I know we all think about like how much can we win we all want to do that and that's definitely the case. But what we really need to be asking as taxpayers and representative of taxpayers is we have to make sure how little can we lose. And I truly believe that this is absolutely the best model for minimizing the risk of loss for us. We could have a year next year where we lose I mean if we paid for all the expenses a million dollars. And we're not going to do that. I mean this proposal will make it so that the risk of that happening is extremely small.

COUNCILWOMAN WERREN: Do you have any have you done any studies to see the overlap of why members or members we already have?

BEN WHEELER: Well we haven't been able to pull that data specifically. So we don't know exactly what the impact of this...

COUNCILWOMAN WERREN: Right.

BEN WHEELER: We've made some assumptions since our you know our budgets have been analyzed but we don't have a firm date on that. Which is another reason I think as we go through this this first year why it's a one year agreement so we don't know what we don't know at this point in time so we'll be able to analyze that and have a lot more information by the end of summer.

COUNCILMAN GRIFFITH: I have to give Ben a lot of credit I think he and Julie and a lot of the folks there have done a really good job on some excellent financial structuring. Because of course they don't want to do something that doesn't make sense to them and as we said we don't want to harm the Y, we love the Y and it's a huge asset to the community. So but you guys have a done a very careful job of making decisions here that's beneficial to both parties. They've been very thoughtful about it on their end.

COUNCILWOMAN WERREN: I guess I was wondering how many possible people do you think there could be. That's was my other question so it wasn't just about cost but then how many on a given day can the pool handle versus what it is handling. Because you know crowd issues could be another issue.

COUNCILMAN CERRETA: That all came up in our discussion. And that happens every nice real hot day. Last year we broke records on a hot day even though the year was down.

COUNCILMAN FONTE: I say you got out at 5:00 to 8:00 that's always the best time to pool space.

COUNCILWOMAN WERREN: AM?

COUNCILMAN FONTE: PM.

COUNCILMAN CERRETA: But as you saw all the extras that we're getting out of this is very exciting that what we can do and use that pool for many times it sits and not used. Yes?

LAW DIRECTOR FOX: Yes and it's going to seem like a small issue but I guarantee you it's very important for a certain person and I think it reflects the tradition of our pool. And unfortunately I don't know her name but I know that there's a woman that every year on the day that our passes are issued she, she comes to city hall very early before the regular city employees get here and she cues up because she wishes to be first in line because it's very important for her to that pass that has 0001. So I think it would it would you know it would just be a tragedy if this poor woman wasn't aware of the changes in how we're going to be able to sell the passes so that she'll have that opportunity to again get in line and go ahead and see if she can get that #1 pool pass.

COUNCILMAN GRIFFITH: Well, I think it's fair to say the goal in what we negotiated was to minimize the impact on every taxpayer. I'm not sure that we can minimize every impact I'd be happy to personally pay for her to bronze that card so she

could keep it all the time.

LAW DIRECTOR FOX: Just so she knows when and where I'm sure it's going to be important to her.

COUNCILMAN GRIFFITH: And we didn't want to rule any of that out until we were certain that it was the case that we'll be able to do this which is why we're here painting that process.

BEN WHEELER: And I would say it certainly would be our you know objective to try to reach out to everybody that's bought passes the last few years at least and communicate to them how that's going to happen and move forward and what some of the exciting changes we're hoping to make and what they can expect this year. So hopefully they'll be excited as we are and they'll know where to go and get what they need.

COUNCILMAN CERRETA: We'll mention like these are things that we have not I don't think we've generally if you do not pass the swim test the YMCA will have a wrist band on you, you cannot go in the deep section. So safety things that we have really not come around to which I think were great ideas and we need to look at those kind of things. Again, this is their pool expertise not to say that we're not pool expertise but we run the pool very well. But they can bring so much you know cool stuff to us that way that I think is really neat. So.

COUNCILMAN FOLTZ: Just a few comments Ben did you look at our operating expenditures at all and see if there's some savings in there. We spent \$199,000 last year did you have a chance to review any of our budgetary items?

BEN WHEELER: I did yeah I had a chance to review some of your budget and your operating expenditures over the last few years. I think there are some deficiencies that we can come up just how we operate. Part of it again has to do with I've got we have three staff at the YMCA that are dedicated year-round to the aquatic this is what they do they run pools. The YMCA has a long history of running multiple swimming facilities all over Stark County and all over Ohio. So we've quite a lot of experience in how to do this efficiently. So I think there's some certainly some...

COUNCILMAN FOLTZ: Okay, because off the cuff I'm looking at some things and last year we brought in close to \$92,000 in pool memberships. The only thing that concerns me I'm all for collaboration especially the Y's a very great organization long time member there. So if we're going to collaborate with anybody in the pool it just makes sense it would be the Y with all their expertise. But if we give a 25% discount we're going to lose \$23,000 on 92 I know that's a rough estimate. I'm not saying everybody that got a pass is also going to belong to the Y and get the discount. Because you're looking at people that live in the school district and we also sold passes to people that don't live in the city or the district. Because it was a such a nice value for them to come in for \$400. So we really have to analyze this to make sure we're talking about no raise rate increases for the pool and then to take that hit there's going to be a hit on that. In my opinion. Good thing is 91,000 plus walked up and paid the admission came in. If I'm looking at this correctly. So there's still a lot of walk up business that values our pool.

COUNCILMAN CERRETA: Doug, can I inject real quick?

COUNCILMAN FOLTZ: Sure.

COUNCILMAN CERRETA: If you take into consideration the people we're not paying to offset that?

COUNCILMAN FOLTZ: No I haven't.

COUNCILMAN CERRETA: Okay, again this is it's all about the whole synergy to create the savings not just the one side. So we have to take a look at that.

COUNCILMAN FOLTZ: Well I understand, I understand that.

COUNCILMAN GRIFFITH: Having the discount I mean it's a little nuance but you know if I'm \$160 for the summer my 25% is going to be different than one of I think it was 11 did we say truly out of the school district out of the city I mean their discount is going to be larger. So I think even that 25 rough (inaudible) was maybe a little high. But hopefully we can make up for that...

COUNCILMAN FOLTZ: Right, well you could have someone right buy a pool pass that belongs to the Y because it's a nice value for them to do so. You're right. I agree that can happen. And probably should happen.

COUNCILMAN CERRETA: And of course the Y side you can sell more YMCA memberships by having a pool on the same but at the same sense though we would assume we're going to sell more passes. So we would get that.

COUNCILMAN FOLTZ: I would still look at that rate increase. Because we're spending \$800,000 and say it's not the Y we're putting a lot of money into this and say here's our partner we're going to split it with you. I think and if we do so and this isn't the best year to look at it because we have to repair the pool. But I would like to see us extend the pool time through Labor Day. It has been a point of contention with a lot of members and a lot of public that are still around and they haven't had their kids go to school. I think that's essential that we have to look at that especially if you have lifeguards that are already available through your organize across the street.

COUNCILMAN CERRETA: Go ahead and address that because that came up.

BEN WHEELER: Sure we've discussed that as well. And I think that's another area where this collaborative management agreement made sense. We have just so many more resources at our disposal outside I mean just the staff that we have at the

North Canton YMCA at both of our pools (inaudible). We have the resources in Stark County behind us. So we have the potential if we chose to stay open later we have a much deep pool of lifeguards again we operate on regular basis. So in September when summer guards are going off we're hiring guards for the fall.

COUNCILMAN FOLTZ: Right that's what I was hoping to hear that's what I say long term goals should be here not very long, long but hopefully we want to get the liner done. That we're ready to go in 2016.

COUNCILMAN GRIFFITH: And that's the benefit I mean that's a benefit that right now Jim has to hire and approve all of those people and Karen's office is the one that has work to with all of the logistics to try to get that to happen. And we lose all that which is again creates more efficiencies for the people that are here too. So it's a benefit both ways.

COUNCILMAN FOLTZ: Right, the other comment I wanted to make is the pool does make money; we haven't lost money every year. Some years we have but we put over \$500,000 of improvements since 1996. Our balance sheet should read if it was a true enterprise fund there would be \$283,000 in there right now. But it hasn't. Now these are figures that Karen provided. The problem we have is we did not plan for the liner. So it's a big hit but that's why whether we collaborate with the Y or not we still have to look at NatureWorks to try to get a grant to help offset these capital improvements. That's due May 1. We could pick up \$100,000, \$200,000 through state funding for recreational capital improvements. So I'm still looking to try to do that also.

COUNCILMAN CERRETA: That's still on us, that's still we've got to do.

COUNCILMAN FOLTZ: That's still on us right but it can happen all they can do say no but we've got to apply for the or fill out the grant application. So I'm keeping my options open with it I'd like to talk to the rec. board members because they were just really just apprised of it here lately. I think feedback is good all the way around so we don't miss anything. I know its maybe a temporary year thing we're going to look at but it's good to discuss this and put everything out on the table and knowing where we want to go as a community.

COUNCILMAN CERRETA: You know I like to look ahead and and you know you saw the dome thing that would be a possibility of a donor stepping up and doing that. The biggest thing about this is yes we're going to spend \$800,000 on the liner but we need new changing rooms, we need new concessions stands, we need that whole front there and I really true feel this you know we have a better chance of getting donors to step up to that if this works out after the first year. Get a long term agreement with this. And that's the kind of thing that you can get from this community if we do things like that. So I'm really looking forward to that I really am. So that's just another you know I can't guarantee that but that's just another cavot there that I think we have a better chance of looking at so in the future we don't have \$300,000 to fix that part. We've got to work on the liner and that first. So I really see the advantage for the future if this works out in the first year.

CHUCK OSBORNE: Mr. Griffith, I have a question. I think this can only have any success if you enclose the pool year-round you've covered no figures for a cover and a dome. Do you think that dome is going to make that swimmable for this kind of weather year-round? And then you've got all these utilities costs an enclosed pool brings a lot of humidity you're going to have to air condition it, you're still going to have to heat it this time of year. You're talking several million dollars to enclose that pool.

COUNCILMAN GRIFFITH: We're not talking about that.

COUNCILMAN CERRETA: It's a possibility there are several domes out there and we've done some studying on the dome. We wouldn't be paying for that we'd have to have a donor step up for that.

CHUCK OSBORNE: (inaudible due to Mr. Osborne speaking from the gallery and not at the microphone).

COUNCILMAN CERRETA: This is not a debate.

COUNCILMAN FOLTZ: Let me do this lets me a motion if you want the public to address it lets make a motion approve that and then come up and speak on the record so we can hear you. So is there a motion to allow public participation with this?

COUNCILMAN FONTE: I make a motion.

COUNCILMAN FOLTZ: Is there a second?

COUNCILWOMAN WERREN: Second.

COUNCILMAN FOLTZ: Call the roll please.

Roll call vote of 5 yes to allow public participation during the pool discussion. Councilwoman Kiesling had stepped out for a moment.

COUNCILMAN FOLTZ: Okay, so anybody who wants to have a question come up and they'll try to address it. This is the first time we're presenting it to the public so please be brief with your questions and they'll answer them the best they can.

COUNCILMAN CERRETA: And it's not a debate let's just make sure...

COUNCILMAN FOLTZ: It's not a debate we're going to back say your comments and sit down and we'll move forward.

Appreciate that, thank you.

CHUCK OSBORNE: Well I'm not intending to debate anything I'm just saying I've heard no figures on enclosing that structure of that size and you're talking several millions of dollars. And then you have all the operating cost of air conditioning, heating and you're changing the whole culture of that pool. People go up there in the summertime and they want to be outdoors. Has there been any thought about just divesting yourself of the pool and selling it to the Y?

COUNCILMAN CERRETA: Are you done?

CHUCK OSBORNE: Yes.

COUNCILMAN FOLTZ: Alright, thank you.

COUNCILMAN CERRETA: First of all, I want to make sure that this is not about putting a dome over the pool. That's a long term range. This is about collaborating with the YMCA I shouldn't even say that a management agreement with the YMCA to do the things we had talked about. This is nowhere near talking about that was just a far possibility. Let's make sure so that we don't have to address that right now.

LAW DIRECTOR FOX: And that dome is seasonal you put the dome in when weather does not permit you to have it open in normal temperatures.

COUNCILMAN FOLTZ: Anybody else like to address please come up.

MELANIE J ROLL: It is a question so if you can't answer I don't know what the capacity is of the pool as far as body count.

COUNCILMAN FOLTZ: Mr. Davis maybe you could answer that.

STREET SUPERINTENDANT DAVIS: Yeah, that fluctuates you know we're regulated by the state on that usually it's a couple hundred people in the pool.

MELANIE J ROLL: Have you ever had to close the pool because you had many people wanting to swim or enter?

STREET SUPERINTENDANT DAVIS: No.

COUNCILMAN GRIFFITH: You've had to reduce the number based on your guards.

STREET SUPERINTENDANT DAVIS: When it's the end of the season when we can't get lifeguards then we have to limit the entrance number into the facility. Yes.

BEN WHEELER: That's more of a ratio for lifeguard to participant as far as that goes as opposed to a capacity...

MELANIE J ROLL: I assume the size of the pool dictates how many bodies can be there.

STREET SUPERINTENDANT DAVIS: To some degree yes and also it dictates the number of lifeguards and with this type of arrangement you know we wouldn't have to limit the number of people in the pool ever because we would be able to staff that you know with his lifeguards where you know for us to do it as a city we're dictated by school schedules and kids that we have in there you know they leave for college. So that's only been the dilemma for us which would also be solved with this type thing.

MELANIE J ROLL: I understand that ratio I thought there was probably as any building or room you have a capacity for how many bodies are there. I've never known what that is and I was just curious.

COUNCILMAN FOLTZ: Based on square footage or something. Anybody else like to address this committee?

CHUCK OSBORNE: I have additional comments.

COUNCILMAN FOLTZ: No, you've had plenty of comments Mr. Osborne, thank you. Afterwards we're here. Miriam, please?

MIRIAM BAUCHMAN: This is going to be collaborative what if you get a rainy day then are the people that have pool passes allowed to go to the Y to use their pool?

BEN WHEELER: Well there will be rainy I can guarantee that and the way this would work again this would encourage people to have a YMCA membership as well you get a discount when you buy the pool passes. If you're member of the Y you surely would be able to do that would certainly be an option for people. We would not be able to just open the building up though for anyone who had a Dogwood pool pass only and was not a YMCA member also.

COUNCILMAN FONTE: There's no perfect solution obviously but I think cause when I first came onboard I was think why do we have this lost leader and Doug said well it's really not a lost leader it makes money we never set capital improvement money aside for these big surprises. So in my opinion looking at the reputation of the Y I think this is a wise thing to have a partnership or a management team or whatever you want to call it I don't really care but the point is the city doesn't lose because we maintain we have this pool we have this amenity our families get to enjoy it. It can even only get better because even if I do have a Y membership I get discounts when I do swimming babies, water babies, different other things anyhow or

any of the classes that I want to do. So I think it's a plus because it's going to save the city money. We don't really have to give up our amenity and we still get the benefit the taxpayers benefit because it's still discounted. I do believe \$160 is very inexpensive we could probably bump it up to \$175 and everybody would still be happy. But I understand not rocking the wave for at least the first year to see how things play out to see what you know how many more memberships we can sell. And a lot of times I was think of it as a gift certificate you know you buy a gift certificate and sometimes you don't even really get to use it that much. So you know you sell the memberships the option is there sometimes they use it sometimes they don't. So I think in the long run the city is going to benefit here.

COUNCILMAN CERRETA: Okay, so going forward here yes Dave?

MAYOR HELD: Yes, first off, great presentation. You know when you look at the city we've always had two goals for the past ten years; bring jobs and cost efficient and effective local government. And this certainly meets goal #2 which is greater cost efficiency and effectiveness in the service that we provide. Because when you look at the YMCA I've been a member of the Y for over 20 years and we've been members of the pool for little bit lesser since we've our kids there. But one thing that I know for certain is we're very proud of the work that the city has done with pool over the years. But the YMCA operates the pool system 7 days a week year round. The city operates the pool for less than 3 months, 3 or 4 months and we part time staff. The YMCA has full time staff that are exclusively dedicated to managing pools, pool memberships and they're safety exceeds any pool organization that I've ever been to. Like Mark mentioned about the pool pass or the wristband my children do not go in the deep end unless they have a wristband and they've been tested for it. That's with all the kids. So there's just a lot of safety advantages if you look at the safety alone the city could greatly benefit. Then when you look at the cost efficiency and effectiveness as Dan had mentioned from a financial standpoint it's really hard to predict you know what this sort of relationship is going to bring but we felt the same way when we contracted out the Fairways for the first time. That's been a very successful relationship contracting out the golf course. When you look at waste hauling and recycling we contract that service out where many municipalities do not. That's one of the best services that we provide. When you looked at contracting out the storm sewer replacement the city used to replace the storm sewers we contracted out a majority of that service it's been a great benefit to the city. So there's some factors that are unknown but this is an excellent opportunity to increase the utilization of the pool and bring greater cost efficiency and effectiveness and one last thought when you look at our community and the YMCA there's a lot of service that our city does from a recreational standpoint does not provide because we have one of the top YMCA's in the country. That already provide these so it just makes sense this partnership is really what we should be doing more of in the future. So I think it's great and Ben Wheeler I think this I know you had initiated this with Councilman Cerreta and Councilman Griffith and the administration and I think that it's fantastic I think that all three of you have done and Jim Davis and Mike Grimes you folks and also our park committee Mr. Pepper who's here do we have any other park members here? This is really I'm really proud of the work that you folks have done and I think this can be really successful. Good.

COUNCILMAN CERRETA: Thank you, and moving forward what we would like to do is you know this little contract is you know we need to look at this Tim is still going over this legality wise we want to bring back to the Y. We really want your approval to move forward on this we'd like to get this done this year so when we kind of get these things hashed out we again will be it back to make sure that everybody is on board with it and that the final things for the year.

COUNCILWOMAN WERREN: Ben, do your board of directors have to approve it or are you set to go or...?

BEN WHEELER: They would my board is sort of familiar with this with conversations they have seen the management draft as you guys have seen as well they approved that. So when we get the final language and final contract then we'll work it out with our attorneys and get the insurance companies involved and everyone sign off on that and we'll approve that as well.

COUNCILMAN CERRETA: And we'll visit them too.

COUNCILMAN FOLTZ: We have a committee meeting the 23rd will it be ready for then or do you want wait till...

COUNCILMAN CERRETA: Well, I'd like your park people to take a look at it and give their blessing.

COUNCILMAN FOLTZ: We'll meet the 23rd on that.

COUNCILMAN CERRETA: Okay, we do need to get this moving even if it comes in emergency because there are things that need that need to be done to get the pool ready and to get they need to know to get lined up with their computers and all the stuff that's going to go into it. So...

COUNCILMAN FOLTZ: Maybe we'll have it on the agenda and just see how much further along we are.

COUNCILMAN CERRETA: Thank you for the time.

COUNCILMAN FOLTZ: Thank you gentlemen.

COUNCILWOMAN WERREN: Ben, when I think about the announcement that they make before all the classes I just heard calculated like the numbers of people that you can reach on a daily basis. The amount of people of that will hear this and get excited and think you know what's a \$120 and who haven't taken action before I think could be huge numbers. Because it was never was in their frame of mind. Good job.

COUNCILMAN FOLTZ: We appreciate the dialog from everybody at the presentation and the public speaks opening it up and we'll still be available afterwards anybody wants to address council. So thank you for your understanding. Next we'll go into

old business. Unless we had some public speaks portions we want to look at Dominic Fonte as far as chairmanship of this committee do I have a motion and second to read by title only the third reading of Ordinance No. 2 – 2015?

COUNCILWOMAN WERREN: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only the third reading of Ordinance No. 2 - 2015.

7. Old Business

8. Ordinance No. 2 – 2015

Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and on behalf of the City of North Canton, to enter into an agreement to participate in the Ohio Department of Transportation (ODOT) cooperative purchasing program to contract for the purchase of sodium chloride (rock salt) for the 2015-2016 winter season.

COUNCIL PRESIDENT PETERS: Chairman Fonte?

COUNCILMAN FONTE: Okay, so we talked about this before but just in case you didn't hear we had to enter into a participating agreement to buy salt off season as a group to save money for the taxpayers. So I move forward with the third reading so we can get on with saving the taxpayers some money.

COUNCILWOMAN KIESLING: I'll second.

Roll call vote of 6 yes to adopt the third reading of Ordinance No. 2 - 2015

ORDINANCE NO. 2 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCILMAN FOLTZ: Thank you. Do I have a motion and a second to read by title only the third reading of Ordinance No. 3 – 2015?

COUNCILWOMAN WERREN: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to read by title only the third reading of Ordinance No. 3 - 2015.

9. Ordinance No. 3 – 2015

Street and Alley Committee

An ordinance authorizing the vacation of a portion of Alley No. 4, being a 14-foot alley between lots 829 and 735, running east from the east line of McKinley Avenue SE, to the east line of said lots, located within the corporation limits of the City of North Canton.

COUNCIL PRESIDENT PETERS: Member Fonte?

COUNCILMAN FONTE: Okay, so we had a public hearing on January 5 at 6:45. A lot of the people were here and had a chance to see the people that came up to speak before us LaBarba and DiPietro. Well what Chuck said was true you know maybe it will favor one or the other but guess what? They came up here they had no problems they were so excited for this agreement I can't see any reason we went through the examples of the effect it would have on the city. There's really no effect on the city as far as doing damage to the city we relinquish the responsibilities of taking care of it. Now there is a section behind the rest of the houses that's basically just green space and you know so if somebody down road wants to do something I'm sure they'll come to us as well. As far as the driveway favoring one or the other they were very clearly excited about the arrangement. Therefore I move to go ahead with the third reading and approve it. The only thing I could say is if they have a disagreement down the road they can work it out between the two of them to have an easement or something drawn up. But as far as the both of them when they were here if anybody was here for the meeting you could see that they were quite happy with this arrangement. And there's no impact to the city that it would hurt.

COUNCILMAN CERRETA: So they were both here right?

COUNCILMAN FONTE: They were both here and they spoke publicly.

COUNCILMAN CERRETA: They both had their time to speak on it and they both could had plenty of time to come to us and talk to us since that time. Is that correct?

COUNCILMAN FONTE: Absolutely and they were very that's what I mean if you were here and heard them it was a no brainer. So you know not that saying that one will be dissatisfied down the road or not but really it's between the two of them. And again if they want to enter into some kind of an easement between the two of them like many city folks do they can do that.

COUNCILMAN GRIFFITH: Which they will they articulated the fact they would have a shared driveway agreement.

COUNCILMAN FONTE: Yeah and that's a legal document I'm sure the attorney could tell us that you know you can record that

and its passes with the property owners. So as far as I'm concerned I say we move forward with the third reading. I don't see any reason why we don't move forward with it. And if the rest of homeowners want to come down later and vacate it I'm all for that too.

COUNCILMAN FOLTZ: Okay.

COUNCILWOMAN KIESLING: And I agree they were both at the Planning Commission meeting and our meeting I do worry about Mr. LaBarba as well. I think he understood I spoke with him once as well. It does appear as if they're going to draw up their own agreement on their property lines as far as sharing the driveways. So at this Chuck went on the record saying we owe it to protect him from himself and quite honestly I don't think we that's our what we're in the game in for to protect people from themselves. So I think they both were up here several times stating...

COUNCILMAN FONTE: Absolutely.

COUNCILWOMAN KIESLING: But I do worry about Mr. LaBarba I will go on the record saying that. However, it is he did speak clearly that...

(Chuck Osborne spoke out from the gallery)

COUNCILMAN FOLTZ: Mr. Osborne, you're out of line thank you.

COUNCILWOMAN KIESLING: It's a done deal he agreed to it. So...

COUNCILMAN FONTE: Yeah.

COUNCILMAN FOLTZ: Okay, there seems to be a consensus so is there a second?

COUNCILMAN CERRETA: I second it.

Roll call vote of 6 yes to adopt the third reading of Ordinance No. 3 – 2015.

ORDINANCE NO. 3 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCILMAN FOLTZ: Okay, thank you. Is there a motion and a second to read by title only the third reading of Ordinance No. 5 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to read by title only the third reading of Ordinance No. 5 - 2015.

10. Ordinance No. 5 – 2015 Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to request quotes for insurance, including, but not limited to, general liability, personal injury liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration, and for the Mayor to be authorized, through the Board of Control, to enter into a contract(s) for the policy/policies.

COUNCILMAN FOLTZ: Member Griffith?

COUNCILMAN GRIFFITH: This is the periodic renewal of our liability insurance we've read it three times we've had plenty of time to review it. I will bring its approval.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the third reading of Ordinance No. 5 – 2015.

ORDINANCE NO. 5 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCILMAN FOLTZ: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 7 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 7 - 2015.

11. Ordinance No. 7 – 2015 Street and Alley Committee

COUNCILMAN FOLTZ: Member Fonte?

COUNCILMAN FONTE: Okay, we talked about that a couple of weeks ago that's basically a renovation project for curbs, gutter and repaving. And I believe that does that one include water as well Mr. Benekos?

ENGINEER BENEKOS: It does not.

COUNCILMAN FONTE: Just the curb, gutter and resurfacing?

ENGINEER BENEKOS: Correct.

COUNCILMAN FONTE: And that doesn't come from the street fund it comes it's a separate allocation?

ENGINEER BENEKOS: It doesn't come for the resurfacing program.

COUNCILMAN FONTE: Right, for 2015. This is a separate animal.

ENGINEER BENEKOS: Correct.

COUNCILMAN FONTE: Okay. Any questions? It's a section from Maple down Woodside to 7th Street that section of property. So I make a motion we move forward with second reading.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 7 – 2015.

ORDINANCE NO. 7 – 2015 WAS GIVEN SECOND READING.

COUNCILMAN FOLTZ: Okay, thank you. Do we have a motion and a second to read by title only the second reading of Ordinance No. 8 - 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 8 – 2015.

12. Ordinance No. 8 – 2015	Water, Sewer and Rubbish Committee
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An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Dogwood Avenue NE (7th Street to Holl Rd NE) Waterline Replacement Project, at a total cost not to exceed \$650,000.

COUNCILMAN FOLTZ: Member Cerreta?

COUNCILMAN CERRETA: This is one of three planned scheduled updates to our water system. And I know our water pipe repair expert Brian Hill is here to see this through so he doesn't have to go out in the middle of the cold freezing night to fix these things. So I this is the second reading I feel we make a motion to move forward on this No. 8 – 2015.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 8 - 2015.

ORDINANCE NO. 8 – 2015 WAS GIVEN SECOND READING.

COUNCILMAN FOLTZ: Thank you. Is there a motion and a second to read by title only the second reading of Ordinance No. 9 – 2015?

COUNCILWOMAN WERREN: So moved.

COUNCIWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title the second reading of Ordinance No. 9 – 2015.

13. Ordinance No. 9 – 2015	Water, Sewer and Rubbish Committee
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COUNCILMAN FOLTZ: Member Cerreta?

COUNCILMAN CERRETA: This is the second one. This is in the budget it is planned it's the Linwood again not to exceed \$400,000. I plan I make a motion we move forward with the second reading of Ordinance No. 9 – 2015.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 9 – 2015.

ORDINANCE NO. 9 – 2015 WAS GIVEN SECOND READING.

COUNCILMAN FOLTZ: Thank you. Motion and a second to read by title only the second reading of Ordinance No. 10 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 10 – 2015.

14. Ordinance No. 10 – 2015	Water, Sewer and Rubbish Committee
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An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the State Street (Cleveland to Chalford) Waterline Extension Project, at a total cost not to exceed \$275,000.

COUNCILMAN FOLTZ: Member Cerreta?

COUNCILMAN CERRETA: Yeah, this is waterline extension it's at a dead end so we can actually provide water to another area there going forward in the future. And we've had two discussions on this so I move that we move forward on the second reading again for No. 10 – 2015.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 10 – 2015.

ORDINANCE NO. 10 – 2015 WAS GIVEN SECOND READING.

COUNCILMAN FOLTZ: Thank you. Is there a motion and a second to read by title only the second reading of Ordinance No. 12 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 12 – 2015.

15. Ordinance No. 12 – 2015 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no longer required for municipal purposes and for the disposition of unclaimed property in the custody of the Police Department.

COUNCILMAN FOLTZ: Member Griffith?

COUNCILMAN GRIFFITH: This is our periodic disposition as it says we collect things including Mark Cerreta's old bike from 1964 something like that didn't you say? I'm just kidding. And this is our auction to get rid of those things I think the mayor's old glasses are in that that auction too. I would move its approval.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 12 – 2015.

ORDINANCE NO. 12 – 2015 WAS GIVEN SECOND READING.

16. New Business:

COUNCILMAN FOLTZ: Thank you. Is there a motion and a second to read by title only the first reading of Ordinance No. 13 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 13 – 2015.

17. Ordinance No. 13 – 2015

Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Ohio CAT for the purchase of a CAT 430FIT backhoe/loader, and declaring the same to be an emergency.

COUNCILMAN FOLTZ: Member Griffith?

COUNCILMAN GRIFFITH: We had a thorough discussion about this last week I'm happy to say and I if there aren't any questions I would move it approval.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 13 – 2015.

COUNCILMAN FOLTZ: I see there's an emergency clause is there a motion and a second to suspend the rules of council requiring a committee report and three readings for Ordinance No. 13 – 2015?

COUNCILMAN GRIFFITH: Well we had committee on this I think.

COUNCILWOMAN KIESLING: We did.

LAW DIRECTOR FOX: Correct.

COUNCILMAN FOLTZ: So that's we don't need to do anything with that?

LAW DIRECTOR FOX: No, proceed as proceed as you are.

COUNCILMAN FOLTZ: Then do I have a motion and a second to adopt the suspension of the rules for Ordinance No. 13 – 2015?

COUNCILMAN GRIFFITH: So moved.

LAW DIRECTOR FOX: Lets hold you go ahead and follow because that's your normal process you don't require the committee report that's different than speaking on committee. And the three readings portion so if you would revert back and ask for the motion.

COUNCILMAN FOLTZ: You want me to repeat the motion?

LAW DIRECTOR FOX: Yes.

COUNCILMAN FOLTZ: Lets go back to the third motion. Motion and second to suspend the rules of council requiring a committee report and three readings for Ordinance No. 13 – 2015.

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to suspend the rules of council requiring a committee report and three readings for Ordinance No. 13 – 2015.

COUNCILMAN FOLTZ: Okay, we need a motion and a second to adopt the suspension of the rules for Ordinance No. 13 – 2015.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 13 – 2015.

ORDINANCE NO. 13 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

18. Reports – Council:

COUNCILMAN FOLTZ: Okay, thank you. Reports from council we'll start with Member Fonte?

COUNCILMAN FONTE: No reports today.

COUNCILMAN FOLTZ: Member Werren?

COUNCILWOMAN WERREN: Just great with the report I'm excited to see about the possibilities. It's kind of the way you brought the Christmas tree and it's fun to think of the new things we can do in the city and collaborate with different groups that are doing it well. And Jim you did a great job but if we can relieve some of your duties and get you in the habit of fixing mailboxes. That could be our summer job we could have a whole mailbox fix place. So great job and I hope we can move forward and then I just love how you're thinking of these things. And I've been going to the Y a lot these days and you're doing a fabulous job there. And we're going to work on those potholes right at the entrance.

COUNCILMAN FOLTZ: Okay, thank you. Member Kiesling?

COUNCILWOMAN KIESLING: No report.

COUNCILMAN FOLTZ: Member Griffith?

COUNCILMAN GRIFFITH: Two quick items I got a call from the folks at Northminster Presbyterian Rich Holmes who was supposed to come and do our prayer tonight had an emergency appendectomy. So although many people are sick we'll say a special prayer for him so and he is apparently is doing better. So I would also note we did nine items tonight and we passed eight of those not emergency. So I think again that's a good progress and good effort on our parts too. So good planning ahead.

COUNCILMAN FOLTZ: Member Cerreta?

COUNCILMAN CERRETA: I would have mentioned him in our prayer if I knew that was reason. No report.

19. Reports:

COUNCILMAN FOLTZ: Director of Law?

LAW DIRECTOR FOX: No report.

COUNCILMAN FOLTZ: Finance Director?

FINANCE DIRECTOR ALGER: Just a one little my ladies once I told them about the pool were so excited. So thank you then. No report.

COUNCILMAN FOLTZ: Okay, Mr. Grimes?

DIRECTOR GRIMES: I'm in favor of trying the pool collaboration too. Jim has done an excellent job for us. I'm sure his wife will be angry because he usually drafts her to come in and work at night up there and plant flowers and everything. So we'll have to find something for her to do there. But yeah we'll get her to do something for us. And then many of you will start getting calls from your residents about plow damage and that just either get their name and forward it to us or have them call any of us. We keep a list and then in the spring we'll go back and fix those areas. So...

COUNCILMAN FOLTZ: Thank you, Mayor?

MAYOR HELD: No report.

COUNCILMAN FOLTZ: Engineer? Jim wasn't ready you know Jim thought he had 10 minutes I guess not.

ENGINEER BENEKOS: No report.

COUNCILMAN FOLTZ: Mary Beth?

COUNCIL CLERK BAILEY: I actually don't have a report tonight.

COUNCILMAN FOLTZ: Hopefully the microphones are working better. And listen my comments I appreciate the public to be involved as you know Mark as you've served on the board. I really want their input through the rec. and that's going to happen. And I think we have to ask sometimes the hard questions too to be prepared. You know I don't want you to think I'm not for collaboration or agreements with the Y. They're wonderful community but we need to be well rounded in our perspective here. And that's a good thing for everybody involved. So I appreciate you guys when you do your presentations really colorful and enlightening so thanks again for that. Appreciate that. One thing I don't know if we excused Members Peters? Did we do that?

COUNCILWOMAN KIESLING: Yes we did.

COUNCILWOMAN WERREN: At the beginning.

COUNCILMAN FOLTZ: Okay, I just wanted to make sure of that.

20. Final Call for New Business:

COUNCILMAN FOLTZ: Then also anybody wants to address anybody on council later after the meeting come up and do so. But we will not have a meeting next week next Tuesday next Monday is Presidents Day I believe. So we did vote on that two weeks ago. So we're going to have a council meeting on February 23 and the committee of the whole afterwards.

21. Adjourn:


COUNCILMAN FOLTZ: Alright, do we have a motion to adjourn?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adjourn.

COUNCILMAN FOLTZ: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DOUG FOLTZ, VICE PRESIDENT